IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

-

WRIT PETITION NO : 21987 of 2004

Between:

Gulam Ghouse, S/o Gulam Mahaboob, Line Inspector.
R/o 1-4-224, P.M.R. Colony, Kamareddy Mandal, Nizamabad District.

.... PETITIONER

AND

1 The Chairman & Managing Director, A.P.S.P.D.C.L.

Warangal.
2 The Divisional Engineer, O & C Division, Kamareddy,

Nizamabad District.
3 The Superintending Engineer (Operation), Nizamabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate writ, order or direction more particularly one in the nature of writ of mandamus:- 1. To declare the action of the respondents as illegal & arbitrary to transfer the petitioner to Banswada from Kamareddy without fixing the pay scales & Seniority as Line inspector. 2. To declare the action of the respondents as illegal & arbitrary in not implementing the option exercised by the petitioner on 1-5-2003, having accepted the same. 3. To call for records and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MS.R.ANNAPURNA

Counsel for the Respondents: MR.S.RAVINDRANATH

The Court admission stage made the following:

O R D E R : -

The petitioner is working as Line Inspector in the Kamareddy Division of the Andhra Pradesh Northern Power Distribution Company Limited (for short "A.P.N.P.D.C.L"). The respondents have proposed to reconstitute the operation and maintenance divisions in Nizamabad District, particularly the existing Kamareddy division, to bifurcate the same into Banswada and Kamareddy. Options were invited from the Line Inspectors through proceedings, dated 16.10.2003. The petitioner claims to have exercised his option to remain in Kamareddy division. However, since more number of Line Inspectors, than the vacancies existing in Kamareddy division have opted for Kamareddy, the petitioner, who is almost at the bottom of the seniority list, is sought to be transferred to Banswada division. The petitioner challenges the same.

2. Learned counsel for the petitioner submits that the claim of the petitioner, in the matter of fixation of seniority and pay scales is the subject matter of writ petitions before this Court. She contends that in the event of the petitioner being declared as senior, he would be entitled to come back to Kamareddy as of right, and in such an event, several complications would arise. She contends that the respondents be directed, to continue the petitioner, till his claims are settled.

3. Sri S. Ravindranath, learned Standing Counsel for the respondents, on the other hand, submits that as on today, the petitioner is junior most Line Inspector, and on the reconstitution of the division, he is required to be posted at Banswada.

4. As of now, the petitioner is shown at Sl.No.34 in the seniority list of Line Inspectors of the undivided Kamareddy division. Though he has opted to continue at Kamareddy, on bifurcation, his claim is subject to that of his seniors. Hence the respondents have no other alternative except to transfer the petitioner to Banswada. It is true that the claims of the petitioner, in respect of seniority and pay scales, are pending adjudication before this Court. However, it is only when his contentions are

accepted by this Court, and is declared as senior to other line inspectors, that he can have a preferential and superior claim. Till such an eventuality, the petitioner cannot have any right to remain at Kamareddy alone. His rights can certainly be protected by making necessary endorsements in the orders of posting of the line inspectors, at the time of reconstitution.

5. Hence the writ petition is disposed of directing that the posting of petitioner in the Banswada division shall be subject to the outcome of the writ petitions filed by the petitioner and pending in this Court. In the event, the petitioner being declared as senior to any line inspector, who is now permitted to continue at Kamareddy, the petitioner shall be entitled to be posted at Kamareddy. The respondents shall make necessary endorsement in the orders of posting of the line inspectors now being posted at Kamareddy, to the effect that the same shall be subject to the claim of the petitioner. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Dated: 01st December, 2004

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To

1 The Chairman & Managing Director, A.P.S.P.D.C.L.

Warangal.
2 The Divisional Engineer, O & C Division, Kamareddy,

Nizamabad District.

3 The Superintending Engineer (Operation), Nizamabad.

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